

REMARKS

Claims 1-15 are presented for examination.

Claims 1 and 11 have been objected to. These claims have been corrected per the Examiner's request by changing the words "said product" to --a product-- in line 2 of each claim, and adding the article "a" before "process" in line 1 of claim 11.

Claims 1-10 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1 and 2 have been amended to address the issues raised by the Examiner.

Regarding claim 3, the Examiner questions why the process condition data are transferred from the communication device to a production facility, if this information is received from a host computer at the production facility.

Claim 3 recites the step of transmitting the process condition data to a production facility for producing the product by wireless communication from the communication device. Applicants note that the process condition data received from the computer relate to basic condition data stored by the computer. If an operator changes the basic condition data based on the trend in the operation result, the operator may easily generate the new condition sent to the production facility using the communication device. As a result, it is not necessary to change the basic condition stored by the computer.

As described in the specification on page 22, lines 14-16, the process condition may be created in consideration of the change condition in portable telephone 200 for transmitting it to the production facility.

It is believed that the claims, as now amended, fully comply with the statutory requirement to set out and circumscribe a subject matter area with a reasonable degree of precision and

particularity.

Claims 1-15 have been rejected under 35 U.S.C. § 103 as being unpatentable over Angle et al. in view of Gleis. This rejection is respectfully traversed for the following reasons.

It is well settled that the test for obviousness is what the combined teachings of the references would have suggested to those having ordinary skill in the art. *Cable Electric Products, Inc. v. Genmark, Inc.*, 770 F.2d 1015, 226 USPQ 881 (Fed. Cir. 1985). In determining whether a case of prima facie obviousness exists, it is necessary to ascertain whether the prior art teachings appear to be sufficient to one of ordinary skill in the art to suggest making the claimed substitution or other modification. *In re Lulu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1984).

As demonstrated below, the combined teachings of the applied references are not sufficient to arrive at the invention recited in claims 1-15.

In particular, claim 1 recites a product control method of controlling processes of producing a product by wireless communication between a communication device associated with the product and a computer controlling the process. The method comprises the steps of:

- preparing in said computer a control table storing control data controlling said product corresponding to an identification number for identifying said communication device;
- transmitting said identification number and information requesting the control data, from said communication device to said computer by wireless communication;
- transmitting, from said computer to said communication device identified by said identification number, control data stored in said control table corresponding to said received identification number in response to reception of said identification number and said information requesting the requiring control data from said communication device;
- receiving in said communication device said control data from said computer; and

- outputting control data relating to said product in a form recognizable to a person based on said received control data.

The Examiner takes the position that Angle differs from the claimed invention only in that the reference does not disclose “attaching the communication device to a product.” Gleis is relied upon for disclosing this feature.

Considering the references, Angle does not disclose a process of producing a product. Instead, the reference discloses a wireless network having a plurality of access points. Therefore, the reference does not disclose the claimed steps relating to producing a product.

In particular, Angle does not disclose a control table storing control data controlling the product corresponding to an identification number for identifying the communication device. The Examiner relies upon col. 10, lines 37-48 of Angle for disclosing this step. However, this portion of the reference discloses a table that stores network addresses of various devices of the network, and nicknames associated with the corresponding network addresses. For example, the table stores the first name of an operator of a network terminal, together with the network address of the terminal, and the nickname of each recipient.

Therefore, Angle does not disclose a signal exchange between the computer and the communication device prescribed in claim 1, and does not suggest outputting control data relating to the product in a form recognizable to a person based on the received control data, as claim 1 requires.

Independent claim 11 recites a product control method of controlling a process of producing a product by a communication device attached to said product and a computer controlling said process of producing said product by wireless communication. The method comprises the steps of:

- preparing in said computer registration data of said product corresponding to an identification number for identifying said communication device;
- selecting said product stored in said registration data;
- transmitting calling data from said computer to said communication device designated by said identification number corresponding to said product selected in said step of selecting said product; and
- performing a prescribed operation in said communication device identified by said calling data based on said received calling data in response to reception of said calling data from said computer.

Angle does not describe preparing registration data of the product corresponding to an identification number for identifying the communication device. Also, the reference does not teach selecting the product, and transmitting calling data designated by the identification number corresponding to the selected product.

It is noted that the Examiner admits that Gleis also does not disclose the above-discussed features of claims 1 and 11.

Hence, the combined teachings of Angle and Gleis are not sufficient to one of ordinary skill in the art to suggest making the invention recited on claims 1 and 11.

Dependent claims 2-10 and 12-15 are defined over the references at least for the reasons discussed above in connection with claims 1 and 11.

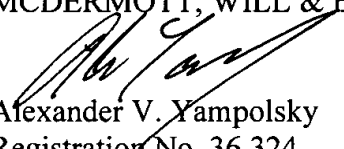
In the absence of a teaching or suggestion in the references of the details recited in claims 1-15, it is submitted that a conclusion of obviousness is not warranted.

In view of the foregoing, and in summary, claims 1-15 are considered to be in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Alexander V. Yampolsky
Registration No. 36,324

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 AVY:MWE
Facsimile: (202) 756-8087
Date: February 12, 2004